

CONSERVATION COMMISSION
DRAFT MINUTES OF THE MEETING
WEDNESDAY, MAY 2, 2007 - 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Max Schenk
Charlie Anderson
William Febiger
Robert Gulla
Ann Jo Jackson
John Feener

MEMBERS ABSENT

Arthur Socolow

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

6:53 PM Mr. Max Schenk, Chairman opens the meeting of the Gloucester Conservation Commission with the reading of the agenda for this evening.

Mr. Schenk notes the presence of Mr. Brandon Frontiero, a Geotechnical Engineer as an assistant member with the possibility of becoming a full member of the GCC as a position becomes available. Mr. Frontiero addressed the GCC and introduced himself.

7:00 PM Mr. John Feener arrives.

**CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION,
AMENDMENT AND SIGNING PERMITS/DECISIONS**

BROOKS ROAD ASSOCIATION – ATLANTIC STREET

The Agent notes the MEESA review and rather than continue the matter again, the Commission could reference MEESA and the decisions of the City of Gloucester Legal Dept. As conditions she notes a letter from the Legal Dept., completed MEESA review along with other conditions noted.

MOTION: Ms. Jackson moves to approve and sign

SECOND: Mr. Gulla

VOTE: 6-0 all in favor and signed by all members present.

33 TWO PENNY LANE (applicant Standish Bradford)

Mr. Gulla – recused.

The Agent notes the conditions to the GCC before signing.

No work time: April 1st to August 31st.

Mitigation buffer, No work zone noted, weekly review, no stockpiling, vehicles in and out as needed and no vehicle storage.

MOTION: Ms. Jackson moves to approve the project.

SECOND: Mr. Febiger

VOTE: 5-0 all in favor and signed by all members present

16 HESPERUS CIRCLE (Dean MacFarland, applicant)

The Agent notes that this was tentatively approved at a previous meeting. She further notes the conditions: a blasting plan, pool to be drained upland, 2 to 1 mitigation, buffer plantings and lawn between the coastal bank, the pool is to stand for 2 weeks, pre blasting extermination to be done regarding pests and a pre and post blasting plan.

Mr. William Manuell, rep. for the applicant states that there will be no blasting, as the method for the work to be done will be pneumatic or hydraulic means.

Mr. Gulla inquires as to hammering being as damaging as blasting.

Ms. Ryder inquires as to the necessity of the pest control condition and the pre and post blasting plan if no blasting is to be done.

John Serifini addresses the GCC stating he is the attorney for the abutters.

Mr. Schenk inquires as to the pest control survey before and after the project and Mr.

Manuell states that he feels it is unnecessary at this point as there will be no blasting.

Mr. Serifini states that they can work that out.

Mr. Feener notes a condition re: noninvasive such as Barberry.

MOTION: Mr. Gulla moves to approve with conditions.

SECOND: Ms. Jackson

VOTE: 6-0 all in favor and signed by all members present.

51 ROCKY NECK AVENUE (Dennis Senecal, applicant)

Mr. Schenk - recused — Ms. Jackson, Chairperson at this time.

Ms. Ryder notes that in conferring with Dave Sargent, he states that this will not ground out and Jim and Dave are both in agreement on that.

She further noted this being 2B 5 Positive Negative 2

It was further noted that this being non-toxic and the delineation not confirmed.

MOTION: Mr. Gulla moves to approve the project.

SECOND: Mr. Anderson

VOTE: 5-0 all in favor and signed by all members present.

75 ESSEX AVENUE (Cape Ann Marina)

Ms. Ryder notes that this was approved at the last meeting and amended to a dredging project.

Mr. Anderson states that this will approve other existing conditions on the property.

MOTION: Ms. Jackson moves to approve the project.

SECOND: Mr. Anderson

VOTE: 6-0 all in favor and signed by all members present.

120R WHEELER STREET (28-1669)

Ms. Ryder notes that the CoC was approved at the previous meeting and nothing further is required.

MOTION: Mr. Gulla moves to approve

SECOND: Mr. Feener VOTE: 6-0 all in favor and signed by all members present.

PUBLIC COMMENT: Mr. Schenk notes that this is the time for the general public in attendance to address the Gloucester Conservation Commission on conservation related issues not on the agenda for this evening. No Public Comment noted.

SAM PARK (Map 262, Lots 13 & 14, Map 43, Lot 4)

A filing under the City of Gloucester Local Wetlands Ordinance by Sam Park to construct mixed use development and access road off Rte 128 Extension behind Fuller School.

Amy Green, rep. for the applicant inquires with the Commission as addressing the local and state project issues at the same time.

Mr. Schenk as Chairman notes that the discussion will be for both local and state.

Ms. Green notes that a letter under the ordinance will summarize all the changes to the plan and the final plan will be submitted. One fundamental change is the drainage with increased infiltration. She notes the plan and location of the sewer connection, which has been changed. She further notes the rain garden; the specifications and maintenance plan as well as a sediment check.

Ms. Ryder notes a letter and Ms. Green notes the CDM letter and will attach everything together. Further noted were the construction sequence plan, monitoring of the site for 5 years to be expanded to monitor the Vernal Pool as well as the relocated power line and leaving that particular area to grow naturally. Ms. Green notes the Woodlot Alternative and the information they gathered regarding the review of the Vernal Pools and a site walk, but only having a draft so far from them.

Ms. Green notes the Calvin and Clemons 3 tier approach and egg masses regarding habitat.

Pool 1: 50 % algae coverage, salamanders present.

Pool 2: 75% algae coverage, salamanders present.

Pool 3: 75% algae coverage, tannic water, and salamanders present.

No Wood Frogs were present in Pool 2 or Pool 3.

Ms. Green states that less than 50 egg masses noted and that all 3 populations have been affected. She further states that they are rethinking the mitigation in relation to the upland habitat. She feels it make more sense to make a contribution to an agency rather than spend thousands of dollars on site. She notes the Cape Ann Vernal Pond Association and a link: Kestrel for public outreach with nature education to public schools with the main presentation being Vernal Pools.

Mr. Gulla asked if the big pool was at tier 2 and Ms. Green stated yes.

Mr. Anderson asked if the algae interfered with the counting of the egg masses and Ms. Green stated that yes that was possible and further noted that there were no Wood Frogs in that location last year, with Mr. Anderson stating that they could be there now and Ms. Green stated yes.

The Agent notes concerns: mitigation, replication, Vernal Pool and storm water.

Mr. Anderson noted a memo dated 04/23/07 re: rain gardens and the purpose of the rain gardens is to catch treated runoff water.

Mr. Febiger inquired as to the rating of Vernal Pools in the past in the City of Gloucester. In regards to the genetic viability the Agent notes the three Vernal Pools and whether they were considered genetically viable.

Mr. Febiger inquired as to an elective analysis.

Mr. Gulla stated that we have no standard in that regards and there is a need for a level of genetic viability to go by as a guide for this project.

Mr. Anderson inquired as to snow management and notes the amount of upland needed.

Ms. Ryder notes that there is no way to do a habitat study as it should have been done previously and another indication would be the genetic viability.

The GCC should consider what kind of monitoring should be done.

Ms. Green's presentation is now concluded.

Mr. William Jones notes the plan and Wetland noted in orange, as numbers 6 and 7 on the plan. Both Wetland areas drain to the western side of Fuller School, 46 ½ acres of drainage. The blue area was noted on the plan as developed area, which is to drain to the same point with an underground storage facility, noting the assisting living area as well with 2 other detention basins. Excavation test pits were done.

Noted was a redesign of the infiltration system as well as the detention basins. All storm water is to be treated and cleaned before going to the basins. He further noted reduced work, trying to pull back and minimizing disturbance to the area on the east side. The infiltration system regarding the assisting living is a galley system. There is a reconfiguration by 6 inches of the detention basin in the road and about the same reduction in peak flow.

100 yr. Fl. Plan / 1 cfs more than before but with a 33 % reduction now.

He further noted a 28% to 64 % reduction in direct runoff from storms.

Mr. Anderson inquired as to the snow maintenance and noted Buildings H, E and F being near to the Wetland boundary.

Mr. Jones explained the grading on the plan, which would accommodate snow maintenance.

Michelle notes conditions from a previous issue re: snow maintenance through the Planning Board.

Mr. Gulla inquired as to how the GCC, as a condition, can avoid treatment of roads before plowing.

Mr. Jones stated that a no salt policy can be adopted.

Ms. Ryder notes that the snow should be trucked off and not plowed to the sides of the road.

Mr. Feener inquired as to the snow and Mr. Jones stated 8 to 12 inches.

Mr. Feener further asked how the infiltration set up is to be checked.

Mr. Schenk noted that a maintenance plan is to be in place with Mr. Jones stating that it will happen twice a year.

Mr. Febiger noted an increase in recharge in an effort to approve the mitigation.

Mr. Gulla inquired as to copies given re: the changes in draining and Ms. Ryder noted yes. Mr. Gulla further noted a 3rd party review having new info, as the changes are relatively large.

The Agent notes that both Mike and the Eng. Dept. will confirm this and that all other pertinent issues will be addressed as well.

Mr. Gulla inquired as to it being ok for the city to do that and Ms. Ryder stated that it was normal procedure.

Tony with CDM did a 3rd party review and a review of the revised design and provided a 2nd letter dated 04/23/07 which was a re-review.

PUBLIC COMMENT:

Mr. Steven Golden Hodgkins Street had comments regarding the 3rd party review, the habitat in that particular location and the fact that there will be enormous amounts of asphalt and roadway. He feels that the Vernal Pools will be severely damaged. He states that he has never heard of or seen a “regionally significant Vernal Pool.

Mr. Golden stated that this is a huge project with lots of asphalt and roadway and only small bunches of green space and feels that the GCC is just accepting the mitigation and that many in Gloucester are questioning this but are being ignored by the GCC. He feels the Vernal Pools have great significance and asks the GCC to further discuss this matter. Mr. Anderson states that he feels Mr. Golden has made some erroneous assumptions and personally he will not make a decision and/or vote until he feels he has all the information to do so.

PUBLIC COMMENT CLOSED

Ms. Ryder notes the 3rd party review and all that the GCC has inquired about is pending but being reviewed.

Mr. Gulla states he has no problem with the mitigation.

Ms. Ryder states that a proposal should be submitted to the Commission by next Wednesday for the record.

Mr. Febiger inquired as to other Vernal Pools in regards to certification.

Ms. Ryder notes guidance needs to be acquired on content.

Mr. Schenk inquired as to the ratios with Mr. Febiger asking if it were 50/50.

Mr. Gulla notes that he doesn't know what is being weighed.

Certification/Education was noted and what would be included.

The Agent noted 2 sites to check on regarding Vernal Pools.

Mr. Anderson noted the National Heritage regarding certification and the Agent noted a certification form and that an intern in her office is doing some work in regards to this matter.

Ruth Sullivan notes the certificate re: Vernal Pools to be done by the landowner and an associate in regards to one of the websites, going on site to accomplish this.

MOTION: Mr. Anderson moves to continue the matter to 05/16/07 for further information and review.

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

8:10 PM Mr. Schenk requests a 5 minute recess.

MOTION: Mr. Feener SECOND: Mr. Gulla VOTE: 6-0 all in favor

8:19 The GCC meeting resumes.

54 – 56 WOODWARD AVENUE (Map 219, Lots 109 & 110)

Thomas Lorden to construct a dwelling with associated parking, grading and utilities.

Mr. Schenk notes for the record and the general public in attendance that this project will be continued.

A number of comments were received from abutters but not all the documents have made the packets so the GCC will need to review everything when it is received.

Mr. Schenk wants the public to keep in mind the fact that they will have another opportunity to speak on this issue. The GCC realizes that many have come this evening to read their comments and speak on this matter. All documents must be submitted in writing so that the GCC members will be able to read and review any and all submissions.

The Agent notes a list of individuals who have made submissions regarding this matter: 4/29 Shellfish, 4/30 A letter from John Judd to Mike Hale, memos from Dave Cauley, Jan Gagliano, Timothy Cresser and photographs from Beverly.

John Judd, Gateway Consulting noted comments from abutters and the GCC from the last meeting regarding this matter. He attended at site walk with abutters and the GCC in attendance as well. Dated 3/26 is a revision with a reduction and width of the building from 22 ft to 18 ft. He further notes a 28 inch oak tree cross sectioning through property and the structure, noted as AA on the plan. A more detailed construction sequence was done along with pilings reduced 2 ft. The dry wall that was discussed previously to address an increase in runoff was eliminated and in place of that, a row of bushes. He did receive comments from Mike Hale at the Eng. Dept. who does have some issues which have since been resolved and will be in writing and submitted by the Eng. Dept. Ms. Ryder notes she is still waiting on the comments from the Eng. Dept. Brandon Frontiero inquired as to the impact with driven poles and Mr. Judd stated no impact.

Mr. Gulla inquired as to the runoff control being done with shrubs and Mr. Judd noted a gutter system, splash plate and downspout going to shade tolerant vegetation.

Mr. Gulla asked if there was also an increase in piles and Mr. Judd stated the number has not changed.

Mr. Feener noted his concern for the oak tree at the driveway stating undo stress could be put on the tree.

Mr. Judd stated that Mike Hale commented on that as well and noted that the driveway being shifted to the southerly side and hand dug. He further noted that he is open to the suggestions and conditions of the Commission.

Mr. Febiger inquired as to the vertical wall being on both sides of the driveway.

Mr. Judd stated it as being a hand placed vertical mortared wall with the highest point being 4 ft.

Ms. Ryder notes that studies have found trenching around trees causes mortality issues.

PUBLIC COMMENT: (Mr. Gulla reminds the general public in attendance to focus on environmental issues regarding this plan when addressing the Commission, with Mr. Schenk reiterating Mr. Gulla's statement.)

Allan ***** states that the area for discussion looks as if it is land untouched and he does not want it changed much if at all.

He inquired as to materials to be used for the driveway and the square footage of the structure to be built.

Mr. Judd stated that pea stone is to be used and the driveway is not to be paved and noted that the structure would be 775 sq. ft.

Allan went on to state that this is a muddy area and 2 ft of water at tide. He noted the presence of Cormorants in the area at one time not having seen them for years. He further noted seeing seals in the past in that particular area as well.

Doug Mullen noted that he has built many homes in the North shore area and is not against building but was appalled when hearing about building going on at that property site. Mr. Mullen then read his letter to the Commission. He discussed the present and future of fragile areas and waterways.

David McCauley submitted a letter and noted a memo from dated 4/29 from Dave Sargent, Item 2 Page 2 regarding flood elevation and the Wetland area and notes it says good planning practices which he feels should read “not good”.

John ***** 52 Woodward Avenue notes that on the south side of the house the oak tree is 40 inches from the property structure.

Lois Levine 42 Woodward Avenue had questions regarding the pilings.

Mr. Schenk noted this being within river front, resource area within 200 ft. within the buffer of the coastal bank.

Ms. Ryder notes the coastal bank being the dotted line on the plan does not appear to be secondary. The buffer zone is discretionary re: adverse impact or not. The riverfront resource area, after 10/1996 cannot disturb and further explained the regulations, information regarding the structure, no grading, etc.

Mr. Judd states that he has suggested several different plantings and stated that he would seek advice from a professional regarding the plantings in accordance with the Commission.

Ruth noted a discussion that was had regarding runoff in the neighborhood and will submit this information in writing.

Deb Liacos 41 Woodward Avenue submitted photos and notes in regards to the planting that there is no place for them. She points out on the plan a boulder wall stating there is no room for shrubs. She further notes a path and fresh water area. She feels there is a major drainage problem with this plan and trees that abut the house are going to die as they are tap roots and will be disturbed. She notes the location of the house and feels the applicant would be shoe – horning a house in the proposed area.

Donna Marchant 31 Woodward Avenue notes that this area has the largest expanse of riverfront and further notes fragilities from runoff. She feels the applicant will be dealing with granite bedrock and questions how they will be able to hand dig into solid granite bedrock.

Mr. Judd noted that with pilings there will be less digging.

With a show of hands 18 members of the general public present were opposed.

Mr. Schenk asked all who are willing to submit photos.

Mr. Gulla asked in regards to the boulders to please indicate the attachment to the boulders and what will be dug for the pilings.

Mr. Feener suggested that a Certified Arborist be involved in the project.

The date of continuance was noted as being 05/16/07 at 9:30 PM.

Mr. Golden asked that another meeting be held to allow more time for the GCC and the general public to speak about this matter.

MOTION: Ms. Jackson moves to continue the matter to the above date and time

SECOND: Mr. Feener

VOTE: 6-0 all in favor

33 EMERSON AVENUE (Map 21, Lot 8)

Dunfudgin LLC to construct a commercial building, parking area and utility connections. There has been a request for continuation regarding this matter.

MOTION: Mr. Gulla moves to continue the matter to 05/16/07 at 9:00 PM

SECOND: Mr. Feener VOTE: 6-0 all in favor

18 ROUSE ROAD (Map 137, Lot 32)

Michael Scognamiglio to construct an entry addition along with other home improvements.

The Agent notes that there are no concerns from the Eng. Dept.

Regarding the driveway and house, 2 to 1 vegetative buffer. DEP review is not complete.

MOTION: Mr. Anderson moves to continue the matter to 05/16/07 7:05 PM

SECOND: Ms. Jackson VOTE: 6-0 all in favor

80 HIGH STREET (Map 164, Lot 47)

Gordon Hugenberger to construct a single family home.

There has been a request for continuation regarding this matter to 05/16/07 at 8:30 PM.

MOTION: Mr. Anderson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

161 ATLANTIC ROAD (Map 73, Lot 26)

Peter Bershad, Ocean View Inn to remove existing building and pavement and construct a residential dwelling with associated grading and utilities.

John Judd representing the applicant, Ocean View Inn. Mr. Judd presents the plan to the Commission. As proposed, two buildings will be removed.

Lot 161 – reduced impervious area by 40 % with the lower lot reducing impervious by 67%.

A crushed stone driveway is proposed. Two hotel buildings will be removed and mitigation regarding the existing driveway.

The Agent notes that the Eng. Dept has not received any drainage or storm water plans which are to be worked out with Mike. One concern is the existing impact from current use as well as the disturbance of the Wetland at present.

To accommodate overflow parking on the property someone filled in a Wetland area.

The Agent made a guess as to the dimensions of the disturbance at 30 x 30 or 20 x 30.

Mr. Judd stated that he walked the Wetland with the Agent and cannot dispute the evidence of the Wetland being disturbed. He further stated that he is willing to work with the GCC.

Mr. Schenk stated that the fill is to be taken out and a restoration would be great.

Mr. Febiger inquired as to the existing driveway and Mr. Judd stated that the existing pavement will remain and is flat with no curve. He further noted that a natural berm exists. Mr. Gulla noted it as an earth curb

PUBLIC COMMENT:

Mark Pooler stated he was in favor of the project but noted a concern re: change of use on the property approx. 4 or 5 years ago and inquired as to the parking area remaining.

Mr. Schenk advised Mr. Pooler to speak to the Planning Office or the Building Inspector in that regards.

MOTION: Ms. Jackson moves to continue the matter to 05/16/07 7:05 PM

SECOND: Mr. Feener

VOTE: 6-0 all in favor

Mr. Feener then asked Mr. Judd what his plan re: restoration of the filled Wetland.

Mr. Judd stated that he would meet with the Agent to discuss it.

Mr. Anderson noted that Mr. Judd would have to go to the Zoning Board regarding the parking area.

15 WOLF HILL WAY (Map 88, Lot 12)

This is a hearing to discuss violations that have occurred at the above location.

D. Murphy has submitted a narrative regarding the decrease in pavement.

Mr. Geisel has submitted photos and a statement.

Mike Hale has said that with the exception of the final grading of the pavement, everything is in order.

Mr. Gulla asked the Agent if the driveway issues were controlled and the Agent noted that she was not a Civil Engineer and not real confident with it. She further stated that if the issues are not worked out the applicant is liable and will have an Enforcement Order to deal with.

Mr. Fred Geisel, for the applicant met on site with the Agent and the applicant. A large portion of the driveway was removed and replaced with stone. 250 ft. of pavement was removed and was reduced to less than what was original. He further discussed the OoC in regards to the leeching catch basin which will direct water to the swale and into the basin.

Ms. Ryder discussed two locations, one being the new catch basin stating that the final grade needs to be accurate. Mike Hale has said that if the grading is done properly the system will function and if not it will not. She further noted no filter fabric and vegetative plantings are needed.

Mr. Geisel stated that he took measurements today regarding the grading and the catch basin.

Mr. Feener inquired as to a timetable regarding the driveway and Mr. Geisel stated that will hopefully be done within 30 days.

Ms. Ryder stated that Mr. Geisel should coordinate this with Mike Hale as he needs to sign off on the project.

PUBLIC COMMENT: none

The Agent informs the Commission that they can remove the Enforcement Order or give 60 days with a scheduled follow up in two months and a GCC meeting date to be scheduled for the first meeting in July. The Agent inquires with the Commission on agreeing on 45 days.

MOTION: Mr. Gulla moves to continue the matter to 06/20/07 7:05 PM

SECOND: Mr. Anderson

VOTE: 6-0

GREAT REPUBLIC DRIVE (Map 263, Lot 18) **NEW**

Varian SEA to Determine the Resource Area Delineation at 10B & 11A

Roger Corbin, representing the applicant.

The Agent notes that the Wetland flags have been confirmed. The B series Wetland flags will be pulled by Greg Sargent. She further stated that there is a very large Wetland stream associated with it well outside. A series flags note the entire Wetland is gone. Lot 6A feeding the A Wetland. This being not connected right, Mike Hale is working with Dave Bran*****to correct it. There is no surface water whatsoever. There is ground water but no surface feed.

Mr. Gulla asked if there was some sort of ejection or release into A. Mr. Corbin stated that it was not in place as of yet.

Ms. Ryder noted that she checked B series Wetland for Vernal Pool characteristics and found no chorus in the middle of the day.

Mr. Gulla noted the B series and the NOAA site.

Mr. Corbin stated that the Vernal Pool was checked every time.

The Agent notes that the previous series of B flag where there when the area was surveyed.

She notes: B4WH/B4WA< different notation system.

Mr. Febiger asked if the buffer zone had changed and Mr. Corbin said no.

PUBLIC COMMENT: none/closed.

The Agent noted that the delineation was correct.

Mr. Corbin will removed said flag tomorrow and the Agent noted that she will check on it.

MOTION: Mr. Anderson moves to accept the delineation.

SECOND: Mr. Gulla VOTE: 6-0 all in favor

Ms. Ryder recommends giving a set number of days to rectify the situation with a complete restoration date of 09/01/07 for completion of the restoration.

142 WHEELER STREET (Map 100, Lot 22) **NEW**

Steven Kaloyanides to construct a concrete landing, seasonal gangway and float.

Mr. William Manuell, representing the applicant discusses the proposed gangway and float with the Commission noting that the gangway would be fixed to the float. He further noted that Chapter 91 License. A concrete landing is proposed and further noted were a series of boulders and natural bedrock. A meeting with the Harbormaster and Shellfish Div. are scheduled for this Friday (May 4th).

The areas adjacent to the rocky tidal area are sandy and species was noted.

Measurements were noted as 4 ½ ft and 6 to 7 ft. high with the gangway to be affixed and no grounding out. There is no DEP file number at this time.

Mr. Anderson asked if the floats were to be removed in during winter months and Mr. Manuell stated that they would be removed and offsite.

Ms. Ryder noted that she has not done a site visit but will be present on the above scheduled date. She noted that she was not comfortable with the location of the chaining but has not been to the site as of yet.

Ms. Jackson noted her mutual concern of the Agents'.

Mr. Febiger inquired as to legs being attached to the float and Mr. Manuell noted a floatation device which looks and acts like a standoff.

Brandon stated that in that area there are lots of similar floating decks and they may want to check those out and further noted it as being a wise use of construction.

Mr. Gulla inquired as to the chains. Ms. Ryder noted that they should try to stay away from the chains. If they are cobble chains then it is not a problem and if it is muddy you may want to look for something different.

PUBLIC COMMENT:

Steve Dexter 162 Wheeler Street noted that he approves of the project.

PUBLIC COMMENT: Closed.

MOTION: Ms. Jackson moves to continue the matter to 05/16/07 7:05 PM

SECOND: Mr. Gulla VOTE: 6-0 all in favor.

9:52 PM A recess was requested.

MOTION: Mr. Febiger moves to recess.

SECOND: Mr. Feener VOTE: 6-0 all in favor

10 PM The meeting resumes.

Mr. Schenk reminded the general public to submit comments in writing and please keep vocal comments brief to allow time for others who want to speak.

154 WHEELER STREET (Map 100 Lot 14) **NEW**

Tom Evangelista to construct a season gangway and floats with landscaping activity.

The Commission approved the OoC last year.

Mr. Manuell representing the applicant.

This is to be an addition not to be handled as a n amendment with a new NoI filed.

Ms. Ryder noted that the house is riverfront and requested 2 to 1 mitigation.

Mr. Manuell noted the seasonal swim float and further noted that in regards to the Enforcement Order the sea wall will be restored to the original height.

He then further discussed seasonal float system and along with the float, stand offs are proposed to remain above flats at low tide. There is a meeting scheduled for Friday.

Ms. Ryder states that she does not have a lot to say regarding the project until the site visit and further noted that Glenn Casey from DMF will be at the site visit.

Ms. Ryder notes that ***** Johnson went out to the area in a coordinated effort, pulling stones back in the tidal area. Some of the stones that were placed incorrectly need to be addressed.

Mr. Manuell noted photos taken and that given the limited amount of photo documentation we did the best we could. We would remove rocks but let's wait until next winter and see.

One outstanding is issue is the fact that the sea wall dropped 2 levels.

Mr. Anderson stated that he would be hesitant to approve or even consider the expansion of a project that is under an Enforcement Order.

Mr. Febiger inquired as to other floats being present in the area and Mr. Manuell stated that he was not sure if any are adjacent but a few are around the corner.

Ms. Jackson noted that she supports the concerns expressed by Mr. Anderson.

A cobble walkway was noted and Mr. Manuell stated it as being existing and on the neighbors' property.

PUBLIC COMMENT:

The Agent read a list of individuals who sent letters regarding the project with the names Steele, Sayes, Jones, Ellis and the Toolins all sending in either narratives and/or photos.

Jean Dillon noted her concerns regarding the retaining wall and feels it would be detrimental if the wall was built up and submitted photos to the Agent for the record. She further noted her concern regarding the beach in that there is a 5 ft gully and feels that the rocks may have done that. Others in attendance agreed.

Bill Dillon asked, as an abutter, if there were any way he could meet with the Agent and others on site.

L. Jones Wheelers Point Road asked about the dimensions of the float.

Mr. Manuell stated that it is 10 x 20. L. Jones stated that this would interfere with the deeded right to the landing and that others have the same concern.

Rebecca Lose 2 Riverside Street noted her concern over the size of the swim float, obstruction of view, noise level and the anchoring process.

Maura Jones 5 Wheelers Point Rd. inquired as to having deeded rights to the landing aren't we abutters?

Mr. Schenk noted a check with the Legal Dept. would be in order regarding that issue.

Bill Borg 8 Wheelers Point Rd. stated that he never received a notice regarding this issue and had concerns as well.

Ms. Ryder asked who were abutters and/or within 100 ft. of the proposed project.

Peter Jones 145 Wheeler Street noted his opposition of the plan. He states that this project is described as a float but it is 80 ft. of something sticking out onto the beach. He noted that the currents in the area are complex, along with cross currents and if you mess this area up it will definitely effect the environment.

Rick Noonan 131 Wheeler Street noted his concerns of any ongoing maintenance as well as intrusion of the flats.

Donna Carr 3 Riverside Road inquired as to the storage of the floats in winter and Mr. Manuell stated that typically the GCC will request that they be upland.

Mr. Schenk noted that they are not to be on the flats but upland or offsite.

Mr. Schenk inquired as to a site visit on Friday and would go on his own.

Mr. Febiger cannot make a site visit on Friday and would go on his own.

Mr. Gulla will attend.

Mr. Schenk recommended the site visits be individual and at low tide.

Brenda Burns 4 Riverside Rd. submitted a letter to the Agent.

Ms. Ryder noted to the general public that submissions can also be made by email.

Mr. Anderson noted that he would like further information regarding the Enforcement Order. Ms. Ryder notes that they are in compliance but coming before the Commission for the retaining wall.

MOTION: Mr. Anderson moves to continue the matter to 06/02/07 7:30 PM

SECOND: Ms. Jackson

VOTE: 6-0 all in favor.

132 COLES ISLAND ROAD (Map 259, Lot 6) **NEW**

Islands End RT, HA Patrician Jr. to reconstruct a concrete pier.

Ms. Sue St. Pierre rep. the applicant notes this project as being a reconstruction of a portion of a pier as 35 ft. of the pier has collapsed. The same location will be used as well as the same type of materials. Chapter 91 was discussed as well as DEP.

The coastal beach, salt marsh and ACEC were discussed as well.

Ms. St. Pierre discussed photos that were present with the Commission.

The proposed work to be done will be to excavate the area, digging by hand and stockpiling on top of other rocks to be taken out by wheelbarrow. She also noted stockpiling material to be used as backfill. She further stated that they did get a Chapter 91 License and notes that the Agent did try to coordinate with DEP and NCEC and that it was not possible to alter the decision.

Ms. Ryder notes no management plan and in regards to ACEC they have to go with the same decision.

Ms. St. Pierre notes that they are not impacting any more than what is already there.

The Agent explains that a narrative should be submitted as to why your proposal offers the least impact.

***** noted that a narrative can be put together.

More disturbances would be had using anchor blocks.

Mr. Gulla noted that Ms. St. Pierre should just do a simple alternatives analysis.

Mr. Anderson stated that the GCC is wanting you to take a look at other things.

It was further stated that it is ludicrous to build with concrete.

Ms. Ryder notes that no written comments have been submitted from Dave or Jim.

She further noted a construction sequence should be submitted.

PUBLIC COMMENT: none

MOTION: Ms. Jackson moves to continue the matter to 05/16/07

(to be amended by the Agent if the date will be other than noted above.)

SECOND: Mr. Feener

VOTE: 6-0 all in favor.

147 Essex Avenue CAHO

Dale Yale, Cape Ann Housing

Christine K.

Dale Yale presents an update on the project to the Commission

NoI was filed 03/2004.

OoC for phases 1, 2 and 3 issued.

43 rentals and 41 condos complete. All occupied units are affordable housing.

This one year project took two years requiring an extension of the order at this time.

All our permits must be in place and current. Re: the existing order of Phase 3, Building K, what was learned is that an attempt to redo this building is not feasible. We want to demolish the existing building and rebuild at the original footprint. She further discussed past dates and occurrences regarding permits and construction. She stated that they would like to extend the time for one year.

Ms. Ryder inquired as to this being the first extension and Ms. Yale stated yes.

Ms. Ryder noted that only 3, 1yr. extensions are allowed.

Ms. Jackson inquired as to Phase 2 and asked if any of those condos not sold are on the market as market value. Ms. Yale stated that they would like to make them affordable condos.

Christine notes that the market went south and the price of the condos was reduced. They have pretty much abandoned market condos. She noted rumors of going rental but this is not a preferred option.

Ms. Yale noted CAHO as on site property managers as well as being owners of the land. Ms. Jackson noted 15 units as affordable but asked what made them think the other 8 units would sell.

In response it was noted that CAHO had 15 buyers in a lottery at one time.

Ms. Jackson noted lots of trash in the upper road area. She suggested an organized effort be put in place to pick up the trash.

It was noted that trash pick up is scheduled for this coming Saturday.

Mr. Febiger asked if a CoC would be produced at the end of the project.

No partials afforded and no ongoing construction was discussed.

Ms. Ryder stated that they had pretty good feedback during construction and things were kept pretty clean.

MOTION: Ms. Jackson moves for the approval of a one year extension

SECOND: Mr. Gulla

Ms. Ryder notes the existing does not expire until October 2007.

VOTE: 6-0 all in favor.

379 WASHINGTON STREET (Map 103, Lot 3) **NEW**

Nancy Liu-Kwan requests the GCC to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to construct landscaping work, re-build a retaining wall, re-construct the driveway and address drainage issues.

A request for continuation regarding this matter.

MOTION: Ms. Jackson moves to continue the matter pending review by the Eng. Dept.

SECOND: Mr. Gulla

VOTE: 6-0

AGENT'S REPORT ON VIOLATIONS

CEDARWOOD/FENLEY

The Agent notes individuals at no. 5, 7 and Mr. J. Parisi. She further recommended that there be a 2 week extension regarding violations.

MOTION: Ms. Jackson moves to approve the 2 week extension

SECOND: Mr. Feener

VOTE: 6-0 all in favor

465R WESTERN

A Gigaloni, owner of the property.

Ms. Ryder updates the Commission regarding the property and its violations.

Legal issues are involved. There will be a reposting of the legal ad.

Abutters are suing Mr. Giacaloni.

27 KONDELIN

Legal issues regarding this property were discussed. The agent states that they were coming back with information and instead appealed saying it was denied by the state.

In so far as the notes reflect DEP was working on this and noted on two separate pieces of paper. This will go to the Superior Court.

VARIAN

DEP agreed with the GCC. It was noted that Steven Golden is against the Varian Wind Turbines.

REQUESTS FOR LETTER PERMITS

BABSON LAGOON DISCHARGE PIPE REPAIR

This permit is to replace the pipe that has failed. Work to be done on the lagoon side of the berm. Letter Permit to issue.

MASSACHUSETTS AUDUBON

Eastern Point parking lot storm damage repair.
Letter Permit to issue.

REQUESTS FOR CERTIFICATE OF COMPLIANCE

667 ESSEX AVENUE - *****

7 KIRK ROAD

The Agent reports to the Commission that the float system is not in place.

REQUESTS FOR EXTENSION PERMITS

28-1993: 29 WINTHROP AVENUE

The Agent notes that the property owners need to come before the GCC.
A stream was noted with a pond past it.

11 HILLSIDE ROAD

The agent notes this needs to come before the GCC.

147 ESSEX AVENUE

This issue is on the agenda for 05/16/07 with representation.

Ms. Ryder asked if there was any interest in composing an editorial in the newspaper.
Mr. Schenk noted his approval of the request.

MOTION: Mr. Feener moves to adjourn the meeting

SECOND: Mr. Gulla VOTE: 6-0 all in favor.

Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk

DRAFT